



**MINUTES OF SPECIAL JOINT MEETING OF THE
CITY COUNCIL/REDEVELOPMENT AGENCY
OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, January 10, 2006, 8:00 p.m.

MEETING

The Special Joint City Council/Redevelopment Agency Meeting was called to order by Mayor/Chair Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Jimenez.

ROLL CALL

Present: COUNCIL/RA MEMBERS Jimenez, Quirk Halliday, Dowling, Henson
MAYOR/CHAIR Cooper
Absent: COUNCIL/RA MEMBER Ward

PRESENTATION: Business Recognition Award

The January 2006 Business Recognition Award was presented to Pucci Foods, a leading food distributor of top-quality seafood, meat, produce, and specialty foods by Mayor Cooper.

In 1993, Chris Lam acquired the former Joe Pucci & Sons Sea foods and renamed it Pucci Foods. The company has been in the Bay Area since 1918. In 2004, Pucci Foods purchased the old Mervyn's Headquarters building at 25447 Industrial Boulevard. From this facility, they distribute to local and nationwide clients and it is anticipated that they will be exporting to China in the near future as well. Pucci Foods has a team of more than 50 ethnically diverse people.

The Business Recognition Award was presented to Pucci Foods for the contribution they have made by: moving their operation to Hayward; investing in the renovation of their building to bring it up to a state of the art foods processing facility; contributing to the economic well-being of Hayward; and providing opportunities to local residents. Mr. Chris Lam, Pucci Foods President and CEO, accepted the award and thanked Council for such an honor. He expressed the reasons for selecting Hayward as a business center for its proximity to airports, access to the San Mateo-Hayward Bridge and diverse labor force.

PUBLIC COMMENTS

There were no public comments.

CONSENT

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of December 20, 2005

It was moved by Council/RA Member Dowling, seconded by Council/RA Member Henson, and carried with Council/RA Member Ward absent, to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of December 20, 2005.

2. Adoption of a Resolution Accepting the Report and Adopting Findings Related to Fees Collected for Development Projects that are Subject to the Requirements of the Mitigation Fees Act

Staff report submitted by Budget Administrator Blohm, dated January 10, 2006, was filed.

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried with Council Member Ward absent, to adopt the following:

Resolution 06-001, "Resolution Accepting the Report and Adopting Findings Related to Fees Collected for the Development Projects Subject to the Requirements of the Mitigation Fee Act"

HEARING

3. Appeal of Planning Commission Decision of Denial of Use Permit No. PL-2005-0557 – Request to Operate Tattoo and Piercing Establishment - The Property is Located at 22540 Foothill Boulevard, Unit A, between "A" and "B" Streets

Staff report submitted by Associate Planner Camire, dated January 10, 2006, was filed.

Acting Principal Planner Patenaude made the staff report, noting the reasons for the denial by the Planning Commission on November 17, 2005, and the appeal by the applicant. He depicted the locations of the other tattoo businesses and their proximity. He responded to Council questions related to the conditional use permit process in the zoning ordinance that requires staff to review the community need for this type of service and decide whether this is in harmony with the area and City policies. The Planning Commission made the determination that the community need was already met in the downtown.

Council Member Dowling asked for information on the tattoo removal program.

City Manager Armas described the program that includes groups such as Eden Youth Center in conjunction with St. Rose and Eden Hospital to removal tattoos, noting that Mayor Cooper was instrumental in encouraging the hospitals to be proactive in this effort. He reported that there have been about 45 participants with about half of them being low income residents and youth.

In response to Council Member Halliday's question, Acting Principal Planner Patenaude stated that there have not been problems or police activity except for loitering on this type of business in Hayward. Council Member Halliday commented that the original staff recommendation was to accept the application for a conditional use permit, but after the Planning Commission decision desiring more of a variety of businesses in the downtown, staff's recommendation changed. She was of the opinion that this particular unit for the proposed tattoo studio is not visible from the street and could be an appropriate location for this type of business.

Mayor Cooper opened the public hearing at 8:22 p.m.



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Corey and Kelly Hensley, Livermore, spoke on behalf of their proposed tattoo business. Mr. Hensley reported that his business would be the third business of this type in the downtown. He intends to turn the stigmas of the past, overcome stereotypes and promote an upscale atmosphere with a well-lit studio. He discussed the tattoo business as the sixth fastest retail business. The fees will be at around \$120 an hour. Most of his services will be by appointments, but will accept walk-in business and presented a listing of adjacent business owners who approve of his business. He asked that Council be open-minded and consider tattoos a matter of fashion, not morals. He will be the artist and noted some prominent members of society who had them. He showed the location and interior of the business. He emphasized his desire to be a part of this community.

Council Member Halliday asked for clarification on the location of the business and commented that this particular unit of the building would be an appropriate location for this type of business.

Both Corey and Kelly Hensley responded to Council Member Dowling's questions regarding establishing a business. They stated that their desire and priority is to open a studio in Hayward rather than Livermore where they reside. They felt that people in Hayward are more open-minded than those living in Livermore and there is a more diverse community. There was a short discussion regarding the limited number of tattoo parlors in neighboring communities. Mr. Hensley made comments on the competitiveness of business. He described the body art and piercing that will be performed by certificated personnel.

Council Member Quirk informed all that he met with the applicant and his family and was impressed that they could operate an upstanding business. He agreed with Council Member Halliday, that there is neither street visibility nor street traffic and the business could operate with referrals and appointments. He asked for further information on gang related tattoos and Ms. Hensley reported that she is familiar with gang-related tattoos. The applicants reported that they would not be offering this type of tattoos.

Council Member Henson remarked that due to the holidays, he was not able to meet with the applicants as they requested. He reiterated the Council's intents and concerns for re-inventing the downtown to provide a balance of businesses in the downtown. He asked Mr. Hensley to discuss the process used to provide his service.

Mr. Hensley described an overview of the procedures he plans to implement. He noted that his customers are consulted and must file a questionnaire that the customer must sign. There will be some staff training provided in CPR. He responded to additional Council questions, noting that he has invested about \$12,000 to \$15,000 in custom show cases, new flooring, paid for the required permits from the health department and for code compliance. In regards to prohibiting admittance to youths under 18 years old, he will require a valid California identification or a passport and will post the appropriate code section as required by law. He plans to use other methods of advertising and promotion, such as a telephone book advertisement and thus not utilize the vacant building signs on the exterior of the building that are visible from the street.

Shaun Anderson, a Livermore resident, spoke on behalf of the applicant.

Helio Costa, Hayward resident, works in sales, has a tattoo on his leg that was done by Mr. Hensley. He indicated that Mr. Hensley has been working out of his home and a shop would better promote his business.

Mike Pratt, a Livermore resident, pointed out that there are television shows promoting tattooing. He spoke on the applicant's behalf, noting his reputation for starting a business that is healthy, safe and professional.

Mark Valier, a resident of Newark, spoke in support of the business, noting vacant buildings in the downtown and emphasized that tattooing is an art, which is different from studio to studio.

Harold Barber, property manager of the building, stated that the property owner is going to redesign the building and spoke on his behalf. Council Member Dowling asked whether the property owner felt that this business is the highest use for this facility. Mr. Barber affirmed and indicated that the lease is for two years. He was not able to elaborate on any future upgrades or improvements, but indicated that an architect has been hired.

Ralph Rosmarino, a Hayward resident, spoke on behalf of the applicant.

Lucia Arce stated that she has signed a five-year lease on B Street to start a therapy business and is interested in helping the community, noting that there are very few therapists in the area. She stated that her private practice will be next door. She stated that she and her clients would not feel comfortable next door.

Council Member Halliday pointed out that there are other businesses in the area that might already impact her therapy business that may challenge families trying to overcome issues.

Mayor Cooper closed the public hearing at 9:00 p.m.

Mayor Cooper spoke on the authority of the Council regarding its land use control and its ability to set limits on the number of businesses. She did not desire to see another tattoo parlor in the downtown. She felt that there were already too many in the downtown and would pursue modifying the ordinance to restrict them from the downtown. She spoke on social concerns and that tattooing may well be a fad now, but emphasized that fads do come and go. She described the experience as the founder of the



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program, New Start, a tattoo removal program. She commented on gang-related tattoos and markings that many employers frown on and may refuse to hire those who have them. That program still exists and offers assistance as it takes over a year to remove tattoos. She commented on the building owner's promises that have not been met to date. She suggested that staff consider revising the ordinance to exclude any future tattoo parlors.

Council Member Dowling emphasized that he has nothing personal about tattoos; this is a free country. He agreed with Mayor Cooper that the downtown needs upscale retail businesses as the cinema is built. He understood that there is still a current image problem on tattooing and called attention to the fact that those who spoke in favor did not have visible tattoos. He referred to an email from Chris Zaballos, who stated that approving this type of business would impact the goal for a vibrant downtown and would be counter productive to efforts made to attract retail businesses in the downtown. Council Member Dowling moved to deny the appeal and uphold the Planning Commission denial and the staff recommendation. Mayor Cooper seconded his motion.

Council Member Quirk voiced his opinion, favoring the tattoo business location. He stated that he would not be supporting the motion for denial. He spoke in favor of the applicant and his family, noting that this would be a good business that would provide prior consultation and offer discreet tattoos.

Council Member Henson assessed that this appears to be a good business, but he is a strong supporter of the tattoo removal program. Image is an issue and supporters of the downtown have been trying to correct the perception of downtown Hayward. He stated that even if it is declared as body art, it is still tattooing. The downtown renovation is eminent with the forthcoming cinema. He continued to emphasize the intent of this Council to improve the downtown and place businesses that contribute to its vibrancy.

Council Member Halliday expressed her disappointment in the motion and stated that she will not be supporting the motion. She alluded to discrimination in this motion. She commented on ear piercing shops at shopping centers and felt that this is a store front that is not visible from the street. She cautioned those renting facilities to not invest in improvements until the use permit is authorized. She appreciated her colleague's comments and felt that this is a generational issue. She stated that she would be inclined to approve the use and felt that this tattoo business would bring more clientele to the downtown for this type of service.

It was moved by Council Member Dowling, seconded by Mayor Cooper, and carried by the following roll call vote to uphold the Planning Commission denial and adopt the following:

Resolution 06-002, "Resolution Denying the Appeal and Upholding the Planning Commission's Denial of Use Permit No. PL 2005-0557"

AYES: COUNCIL MEMBERS Jimenez, Dowling, Henson

MAYOR Cooper
NOES: COUNCIL MEMBERS Quirk, Halliday
ABSENT: COUNCIL MEMBER Ward
ABSTAINED: COUNCIL MEMBER None

LEGISLATIVE BUSINESS

4. Adoption of an Ordinance Amending the Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory Located at 26746 through 26762 Gading Road Pursuant to Zone Change Application No. 2005-0244

Staff report submitted by City Clerk Reyes, dated January 10, 2006, was filed.

City Clerk Reyes made the staff report noting that at the introduction of this ordinance the vote was not unanimous and thus placed under Legislative Business.

Mayor Cooper opened and closed the public hearing at 9:14 p.m.

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried by the following roll call vote to adopt:

Ordinance 06-01, "An Ordinance Amending the Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory Located at 26746 through 26762 Gading Road Pursuant to Zone Change Application No. 2005-0244"

AYES: COUNCIL MEMBERS Jimenez, Quirk, Halliday,
Dowling, Henson
NOES: MAYOR Cooper
ABSENT: COUNCIL MEMBER Ward
ABSTAINED: COUNCIL MEMBERS None

COUNCIL REPORTS

There were no Council Reports, however, Council Member Dowling urged all Val's Burgers fans to vote in favor of Val's Burgers for the San Francisco Burger category "Best Burgers" on the AOL City Guide and noted the website as: www.aolcityguide.com. He reported that Val's is currently in the lead.

ADJOURNMENT

Mayor/Chair Cooper adjourned the meeting at 9:16 p.m., and invited all to the annual Martin Luther King, Jr., Celebration at Centennial Hall next Monday, January 16, 2006, at 6:00 p.m.



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APPROVED:

Roberta Cooper, Mayor, City of Hayward
Chair, Redevelopment Agency

ATTEST:

Angelina Reyes, City Clerk, City of Hayward
Secretary, Redevelopment Agency